16/Rec'd Rec'd
EA
9-6-03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent appln. of:	Albert J. FRATTAROLA
Serial No.:	09/803,221
Filed:	March 9, 2001
For:	**FLOATING CAPTIVE SCREW**
Grp. Art Unit:	3679
Examiner:	Flemming Saether
Atty. Dkt.:	61-01

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail postage prepaid in an envelope addressed to Mail Stop Amendment Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2003

Alex R. Sluzas, Reg. No. 28,669
Dated: August 21, 2003

Mail Stop Amendment Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This response is being submitted under certificate of mailing on Thursday, August 21, 2003 in response to the Examiner's Action mailed April 23, 2003 in the above-referenced patent application setting a three-month shortened statutory period for response. A petition for a one-month extension of time for response pursuant to 37 C.F.R. § 1.136 accompanies this response.

Subsequent to the filing of applicant's appeal brief, the Examiner has entered a new rejection in order to simplify the issues.

Claims 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,204,680 ("Barry") in view of U.S. Patent 6,059,503 (Johnson). This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Barry discloses a captive screw comprising a ferrule (18); a screw having a head (21), shank (27), threads (26) and collar (25); and a spring (20). The Examiner notes that the screw is captured in the ferrule.

The Examiner further states that in order to avoid any question as to the collar being "formed on" the shank, the reference to Johnson is relied upon for the explicit teaching that it is well known and common to have the collar "formed on" the shank, citing to column 1, line 25 of Johnson. The Examiner concludes that, in view of Johnson's disclosure, it would have been obvious for one of ordinary skill in the art at the time the invention was made, to have the collar of Barry "formed on" the shank. The Examiner further explains that the collar being formed on the shank would facilitate assembly of the screw in the ferrule since the screw collar would simply have to be press fit through the reduced diameter portion of the ferrule.

In response to the new rejection, applicant submits herewith a declaration pursuant to 37 C.F.R. § 1.131 showing that the presently claimed invention was completed before the filing date of the Johnson reference upon which the Examiner now relies. Accordingly, reconsideration and withdrawal of the rejection entered based on the combination of Barry and Johnson is respectfully requested.

Claims 2-5 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barry as applied to claim 1 above, and further in view of U.S. Patent 5,941,669 ("Aukzemas"). This rejection is likewise respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Aukzemas discloses the particulars of the ferrule. The Examiner states that the ferrule is disclosed as having a knurled outer surface including a groove (32) and annular lip (generally at 30).

The Examiner concludes that at the time the invention was made, it would have been obvious for one of ordinary skill in the art to the exterior of the ferrule of Barry as disclosed in the Aukzemas reference in order to improve its attachment to the panel. The Examiner restates that the ring on the ferrule being bent is a product-by-process limitation wherein it is merely the final product that is considered for patentability, and that Barry shows a ring (22).

Applicant respectfully contends that the Examiner's conclusion is not correct.

There is nothing in the combination of Barry and Aukzemas, or either cited reference considered individually, that would render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made.

Applicant respectfully notes that Aukzemas discloses a conventionally threaded screw shank, without a collar, such as is required by applicant's independent claim 1. Each of dependent claims 2-5 ultimately depend from claim 1, and thus each incorporates the limitation of the required collar. Thus, the combination of Barry and Aukzemas does not make out a *prima facie* case of obviousness, because the combination does not include all the limitations of the rejected claims.

Further, there is nothing in either of the cited references that teaches or suggests that the penetration of the screw into the main frame or panel be limited by the provision of a collar. The screw threads in Aukzemas extends all the way through the second panel 60 when the screw joins the first and second panels such the two panels are in contact with one another (Fig. 1). Similarly, there is nothing in Barry to space the panel 16 from the main frame 14 when the screw fastener is fully engaged (Fig. 7).

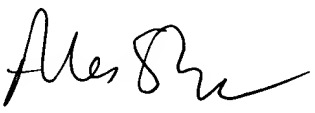
Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Barry in view of Aukzemas are respectfully requested for these reasons.

The Examiner notes that applicant's appeal brief has been considered, and in order to avoid any question as to the meaning of "formed on," which the Examiner characterizes as applicant's main argument, an additional reference has been applied which the Examiner characterizes as clearly stating the collar "formed on" the shank. However, the new reference applied by the Examiner is not prior art with respect to the present invention, and not available for combination with Barry. Consequently, a *prima facie* case of obviousness has not been established.

As the present application is now believed in condition for allowance, early reconsideration and allowance of all claims presently in the application are earnestly solicited.

August 21, 2003

Respectfully submitted,



Order No. 1692

Alex R. Sluzas
Reg. No. 28,669

PAUL AND PAUL
Suite 2900
Two Thousand Market Street
Philadelphia, PA 19103
215-568-490